

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 117

SENATE BILL 1084

AN ACT

AMENDING SECTIONS 32-1501, 32-1504, 32-1509, 32-1521, 32-1522.01, 32-1524, 32-1526, 32-1527, 32-1528, 32-1530, 32-1555, 32-1556, 32-1557, 32-1559, 32-1560, 32-1561 AND 32-1581, ARIZONA REVISED STATUTES; REPEALING SECTIONS 32-1506 AND 32-1551, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 14, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 32-1551; AMENDING TITLE 32, CHAPTER 14, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1551.01; RELATING TO THE NATUROPATHIC PHYSICIANS BOARD OF MEDICAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1501, Arizona Revised Statutes, is amended to
3 read:

4 32-1501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Accepted therapeutic purpose" means treatment of a disease,
7 injury, ailment or infirmity that is competent and generally recognized as
8 safe and effective.

9 2. "Active license" means a current valid license to practice
10 naturopathic medicine.

11 3. "Adequate medical records" means medical records containing
12 sufficient information to identify the patient, the diagnosis and the
13 treatment prescribed.

14 4. "Approved clinical training program" or "clinical training program"
15 means a program for naturopathic medical students in which the training
16 occurred or is being conducted by or in conjunction with an approved school
17 of naturopathic medicine.

18 5. "Approved internship program" or "internship" means that the
19 program in which the training occurred or is being conducted has been
20 approved for internship training for physicians or for graduates of a school
21 of naturopathic medicine by the board or was approved or accredited by an
22 educational or professional association recognized by the board or by another
23 state's or country's licensing agency recognized by the board.

24 6. "Approved postdoctoral training" or "postdoctoral training" means
25 that the program in which the training occurred or is being conducted has
26 been approved for specialty training or for graduate medical education in
27 naturopathic medicine by the board or approved or accredited by an
28 educational or professional association recognized by the board or by another
29 state's or country's licensing agency recognized by the board.

30 7. "Approved preceptorship program" or "preceptorship" means that the
31 program in which the training occurred or is being conducted has been
32 approved for preceptorship training for physicians or for graduates of a
33 school of naturopathic medicine by the board or was approved or accredited
34 by an educational or professional association recognized by the board or by
35 another state's or country's licensing agency recognized by the board.

36 8. "Approved school of naturopathic medicine" or "school of
37 naturopathic medicine" means a school or college determined by the board to
38 have an educational program that meets board standards as prescribed by board
39 rules, offering THE COUNCIL ON NATUROPATHIC MEDICAL EDUCATION, OR ITS
40 SUCCESSOR AGENCY, AND THAT OFFERS a course of study which THAT, on successful
41 completion, results in the awarding of the degree of doctor of naturopathic
42 medicine and whose course of study is any EITHER of the following:

43 (a) Accredited or a candidate for accreditation by an accrediting
44 agency recognized by the United States secretary of education as a

1 specialized accrediting agency for schools of naturopathic medicine or its
2 successor.

3 (b) Accredited or a candidate for accreditation by an accrediting
4 agency recognized by the council for higher education accreditation or its
5 successor.

6 9. "Board" means the naturopathic physicians board of medical
7 examiners.

8 10. "Chelation therapy" means an experimental medical therapy to
9 restore cellular homeostasis through the use of intravenous, metal-binding
10 and bioinorganic agents such as ethylene diamine tetraacetic acid. Chelation
11 therapy does not include experimental therapy used to treat heavy metal
12 poisoning.

13 11. "Completed application" means that the applicant paid the required
14 fees and supplied all documents and information as requested by the board and
15 in a manner acceptable to the board.

16 12. "CONTROLLED SUBSTANCE" MEANS A DRUG, SUBSTANCE OR IMMEDIATE
17 PRECURSOR IN SCHEDULES I THROUGH V OF TITLE 36, CHAPTER 27, ARTICLE 2.

18 13. "DIRECT SUPERVISION" MEANS THAT A PHYSICIAN WHO IS LICENSED
19 PURSUANT TO THIS CHAPTER OR CHAPTER 13, 17 OR 29 OF THIS TITLE:

20 (a) IS PHYSICALLY PRESENT AND WITHIN SIGHT OR SOUND OF THE PERSON
21 SUPERVISED AND IS AVAILABLE FOR CONSULTATION REGARDING PROCEDURES THAT THE
22 PHYSICIAN HAS AUTHORIZED AND FOR WHICH THE PHYSICIAN REMAINS RESPONSIBLE.

23 (b) HAS DESIGNATED A PERSON LICENSED PURSUANT TO THIS CHAPTER OR
24 CHAPTER 13, 17 OR 29 OF THIS TITLE TO PROVIDE DIRECT SUPERVISION IN THE
25 PHYSICIAN'S ABSENCE.

26 ~~12.~~ 14. "Doctor of naturopathic medicine" means a natural person
27 licensed to practice naturopathic medicine under this chapter.

28 ~~13.~~ 15. "Drug" has the same meaning prescribed in section 32-1901 but
29 does not include:

30 (a) Intravenous administration of legend drugs, except for vitamins,
31 chelation therapy and drugs used in emergency resuscitation and
32 stabilization.

33 (b) Controlled substances listed as schedule I or II controlled
34 substances as defined in the federal controlled substances act of 1970 (21
35 United States Code section 802), except morphine AND ANY HOMEOPATHIC
36 PREPARATIONS THAT ARE ALSO CONTROLLED SUBSTANCES.

37 (c) Cancer chemotherapeutics classified as legend drugs.

38 (d) Antipsychotics.

39 16. "GENERAL SUPERVISION" MEANS THAT THE PHYSICIAN IS AVAILABLE FOR
40 CONSULTATION REGARDING PROCEDURES THAT THE PHYSICIAN HAS AUTHORIZED AND FOR
41 WHICH THE PHYSICIAN REMAINS RESPONSIBLE.

42 ~~14.~~ 17. "Legend drug" means any drug defined by section 503(b) of the
43 federal food, drug and cosmetic act and under which definition its label is
44 required to bear the statement "Rx only".

1 ~~15.~~ 18. "Letter of concern" means a nondisciplinary advisory letter
2 that is issued by the board to a person who is regulated under this chapter
3 and that states that while there is insufficient evidence to support
4 disciplinary action the board believes that the person should modify or
5 eliminate certain practices and that continuation of the activities that led
6 to the information being submitted to the board may result in action against
7 the person's license, certificate or registration.

8 ~~16.~~ 19. "Letter of reprimand" means a disciplinary letter that is
9 issued by the board and that informs a person who is regulated under this
10 chapter that the person's conduct violates state or federal law but does not
11 require the board to restrict the person's license, certificate or
12 registration because the person's conduct did not result in harm to a patient
13 or to the public.

14 20. "LIMIT" MEANS A NONDISCIPLINARY ACTION THAT ALTERS THE PHYSICIAN'S
15 PRACTICE OR PROFESSIONAL ACTIVITIES IF THE BOARD DETERMINES THAT THERE IS
16 EVIDENCE THAT THE PHYSICIAN IS OR MAY BE MENTALLY OR PHYSICALLY UNABLE TO
17 SAFELY ENGAGE IN THE PRACTICE OF MEDICINE.

18 ~~17.~~ 21. "Medical assistant" or "naturopathic medical assistant" means
19 a person who is certified by the board as a medical assistant, who assists
20 a doctor of naturopathic medicine and who may perform delegated procedures
21 that are commensurate with the assistant's education and training under the
22 direct supervision of a doctor of naturopathic medicine and that do not
23 include diagnosing, designing or modifying established treatment programs or
24 those procedures prohibited by the board or by this chapter.

25 ~~18.~~ 22. "Medically incompetent" means a person who is licensed,
26 certified or registered pursuant to this chapter and who lacks sufficient
27 naturopathic medical knowledge or skills, or both, to a degree that is likely
28 to endanger the health of patients.

29 ~~19.~~ 23. "Naturopathic medical student" means a person who is enrolled
30 in a course of study at an approved school of naturopathic medicine.

31 ~~20.~~ 24. "Naturopathic medicine" means medicine as taught in approved
32 schools of naturopathic medicine and in clinical, internship, preceptorship
33 and postdoctoral training programs approved by the board and practiced by a
34 recipient of a degree of doctor of naturopathic medicine licensed pursuant
35 to this chapter.

36 ~~21.~~ 25. "Nurse" means a person licensed pursuant to chapter 15 of this
37 title.

38 ~~22.~~ 26. "Physician" means a doctor of naturopathic medicine licensed
39 pursuant to this chapter.

40 ~~23.~~ 27. "Practice of naturopathic medicine" means a medical system of
41 diagnosing and treating diseases, injuries, ailments, infirmities and other
42 conditions of the human mind and body including by natural means, drugless
43 methods, drugs, nonsurgical methods, devices, physical, electrical, hygienic
44 and sanitary measures and all forms of physical agents and modalities.

1 28. "RESTRICT" MEANS A DISCIPLINARY ACTION THAT ALTERS THE PHYSICIAN'S
2 PRACTICE OR PROFESSIONAL ACTIVITIES IF THE BOARD DETERMINES THAT THERE IS
3 EVIDENCE THAT THE PHYSICIAN IS OR MAY BE MEDICALLY INCOMPETENT OR GUILTY OF
4 UNPROFESSIONAL CONDUCT.

5 ~~24.~~ 29. "Specialist" means a physician who has successfully completed
6 approved postdoctoral training, who is certified by a specialty board of
7 examiners recognized by the board and who is certified by the board to
8 practice the specialty pursuant to this chapter.

9 ~~25.~~ 30. "Unprofessional conduct" includes the following, whether
10 occurring in this state or elsewhere:

11 (a) Intentionally disclosing a professional secret or intentionally
12 disclosing a privileged communication except as either of these may otherwise
13 be required by law.

14 (b) Any dishonorable conduct reflecting unfavorably on the profession.

15 (c) Committing a felony, whether or not involving moral turpitude, or
16 a misdemeanor involving moral turpitude. In either case conviction by any
17 court of competent jurisdiction or a plea of no contest is conclusive
18 evidence of the commission of the felony or misdemeanor.

19 (d) Habitual intemperance in the use of alcohol or any substance
20 abuse.

21 (e) The illegal use of any narcotic or hypnotic drugs, or illegal
22 substances.

23 (f) Conduct that the board determines is gross malpractice, repeated
24 malpractice or any malpractice resulting in the death of a patient.

25 (g) Impersonating another doctor of naturopathic medicine or any other
26 practitioner of the healing arts.

27 (h) Falsely acting or assuming to act as a member, an employee or an
28 authorized agent of the board.

29 (i) Procuring or attempting to procure a license or a certificate
30 pursuant to this chapter by fraud, by misrepresentation or by knowingly
31 taking advantage of the mistake of another person or agency.

32 (j) Having professional connection with or lending one's name to
33 enhance or continue the activities of an illegal physician or an illegal
34 practitioner of any healing art.

35 (k) Representing that a manifestly incurable disease, injury, ailment
36 or infirmity can be permanently cured, or falsely or fraudulently
37 representing that a curable disease, injury, ailment or infirmity can be
38 cured within a stated time.

39 (l) Offering, undertaking or agreeing to cure or treat a disease,
40 injury, ailment or infirmity by a secret means, method, treatment, medicine,
41 substance, device or instrumentality.

42 (m) Refusing to divulge to the board upon demand the means, method,
43 treatment, medicine, substance, device or instrumentality used in the
44 treatment of a disease, injury, ailment or infirmity.

1 (n) Giving or receiving, or aiding or abetting the giving or receiving
2 of, rebates, either directly or indirectly.

3 (o) Knowingly making any false or fraudulent statement, written or
4 oral, in connection with the practice of naturopathic medicine or any
5 naturopathic treatment method.

6 (p) Immorality or misconduct that tends to discredit the naturopathic
7 profession.

8 (q) Refusal, revocation or suspension of a license by any other state,
9 district or territory of the United States or any other country, unless it
10 can be shown that this action was not due to reasons that relate to the
11 ability to safely and skillfully practice as a doctor of naturopathic
12 medicine or to any act of unprofessional conduct in this paragraph.

13 (r) Any conduct or practice that is contrary to recognized standards
14 of ethics of the naturopathic profession, any conduct or practice that does
15 or might constitute a danger to the health, welfare or safety of the patient
16 or the public, or any conduct, practice or condition that does or might
17 impair the ability to safely and skillfully practice as a doctor of
18 naturopathic medicine.

19 (s) Failure to observe any federal, state, county or municipal law
20 relating to public health as a physician in this state.

21 (t) Violating or attempting to violate, directly or indirectly, or
22 assisting in or abetting the violation of, or conspiring to violate any of
23 the provisions of this chapter or board rules.

24 (u) False, fraudulent, deceptive or misleading advertising or
25 advertising the quality of a medical or health care service by a physician
26 or by the physician's staff, employer or representative.

27 (v) Failing or refusing to maintain adequate medical records on a
28 patient or failing or refusing to make medical records in the physician's
29 possession promptly available to another physician or health care provider
30 who is licensed pursuant to chapter 7, 8, 13, 15, 17 or 29 of this title on
31 request and receipt of proper authorization to do so from the patient, a
32 minor patient's parent, the patient's legal guardian or the patient's
33 authorized representative or failing to comply with title 12, chapter 13,
34 article 7.1.

35 (w) Referring a patient to a diagnostic or treatment facility or
36 prescribing goods and services without disclosing in writing to the patient
37 that the physician has a pecuniary interest in the facility, goods or
38 services to which the patient is referred or prescribed. This subdivision
39 does not apply to a referral by one physician or practitioner to another
40 physician or practitioner within a group of physicians or practitioners
41 practicing together.

42 (x) Sexual intimacies with a patient in the course of direct
43 treatment.

44 (y) Failing to dispense drugs and devices in compliance with article
45 4 of this chapter.

1 (z) Administering, dispensing or prescribing any drug or a device for
2 other than an accepted therapeutic purpose.

3 (aa) Falsely representing or holding oneself out as being a specialist
4 or representation by a doctor of naturopathic medicine or the doctor's staff,
5 employer or representative that the doctor is boarded or board certified if
6 this is not true or that standing is not current.

7 (bb) Delegating professional duties and responsibilities to a person
8 if the person has not been approved or qualified by licensure or by
9 certification to perform these duties or responsibilities.

10 (cc) Failing to appropriately supervise a naturopathic medical
11 student, a nurse, a medical assistant, a health care provider or a technician
12 employed by or assigned to the physician during the performance of delegated
13 professional duties and responsibilities.

14 (dd) Using experimental forms of diagnosis or treatment without
15 adequate informed consent of the patient or the patient's legal guardian and
16 without conforming to experimental criteria including protocols, detailed
17 records, periodic analysis of results and periodic review by a medical peer
18 review committee as approved by the federal food and drug administration or
19 its successor agency.

20 (ee) Failing to furnish information in a timely manner to the board
21 or investigators or representatives of the board if this information is
22 legally requested by the board and failing to allow properly authorized board
23 personnel on demand to examine and have access to documents, reports and
24 records maintained by the physician that relate to the physician's medical
25 practice or medically related activities.

26 (ff) Failing to report in writing to the board evidence that a person
27 licensed, certified or registered pursuant to this chapter is or may be
28 medically incompetent, guilty of unprofessional conduct or mentally or
29 physically unable to safely practice or assist in the practice of
30 naturopathic medicine.

31 (gg) Conducting or engaging in an internship, preceptorship or
32 clinical training program in naturopathic medicine without being approved and
33 registered by the board for that internship, preceptorship or clinical
34 training program.

35 (hh) Signing a blank, undated or predated prescription form.

36 (ii) Conduct that the board determines is gross negligence, repeated
37 negligence or negligence resulting in harm or death to a patient.

38 (jj) Knowingly making a false or misleading statement in oral
39 testimony to the board on a form required by the board or in written
40 correspondence to the board, including attachments to that correspondence.

41 (kk) The failure of a physician who is the chief medical officer, the
42 executive officer or the chief of staff of an internship, a preceptorship or
43 a clinical training program to report in writing to the board that the
44 privileges of a doctor of naturopathic medicine, a naturopathic medical
45 student or a medical assistant have been denied, limited, revoked or

1 suspended because that doctor's, student's or assistant's actions appear to
2 indicate that the person is or may be medically incompetent, is or may be
3 guilty of unprofessional conduct or is or may be unable to safely engage or
4 assist in the practice of naturopathic medicine.

5 (ll) Action taken against a doctor of naturopathic medicine by a
6 licensing or regulatory board in another jurisdiction due to that doctor's
7 mental or physical inability to engage safely in the practice of NATUROPATHIC
8 medicine, the doctor's medical incompetence or for unprofessional conduct as
9 defined by that licensing or regulatory board and that corresponds directly
10 or indirectly to an act of unprofessional conduct prescribed by this
11 paragraph. The action taken may include refusing, denying, revoking or
12 suspending a license, otherwise limiting, restricting or monitoring a
13 licensee or placing a licensee on probation by that licensing or regulatory
14 board.

15 (mm) Sanctions imposed by an agency of the federal government,
16 including restricting, suspending, limiting or removing a person from the
17 practice of naturopathic medicine or restricting that person's ability to
18 obtain financial remuneration.

19 (nn) Violating any formal order, probation, consent agreement or
20 stipulation issued or entered into by the board pursuant to this chapter.

21 (oo) Refusing to submit to a body fluid examination pursuant to a
22 board investigation of alleged substance abuse by a doctor of naturopathic
23 medicine.

24 (pp) Charging a fee for services not rendered or dividing a
25 professional fee for patient referrals among health care providers or health
26 care institutions or between these providers and institutions or a
27 contractual arrangement that has this effect.

28 (qq) Obtaining a fee by fraud, deceit or misrepresentation.

29 (rr) Charging or collecting a clearly excessive fee. In determining
30 if a fee is clearly excessive the board shall consider the fee or range of
31 fees customarily charged in this state for similar services, in light of
32 modifying factors such as the time required, the complexity of the service
33 and the skill required to perform the service properly. This subdivision
34 does not apply if there is a clear written contract for a fixed fee between
35 the physician and the patient that was entered into before the service was
36 provided.

37 (ss) With the exception of heavy metal poisoning, using chelation
38 therapy in the treatment of arteriosclerosis or as any other form of therapy
39 without adequate informed patient consent and without conforming to generally
40 accepted experimental criteria, including protocols, detailed records,
41 periodic analysis of results and periodic review by a medical peer review
42 committee.

43 (tt) USING A CONTROLLED SUBSTANCE UNLESS IT IS PRESCRIBED BY ANOTHER
44 PHYSICIAN FOR USE DURING A PRESCRIBED COURSE OF TREATMENT.

1 (uu) PRESCRIBING, DISPENSING OR ADMINISTERING ANABOLIC ANDROGENIC
2 STEROIDS FOR OTHER THAN THERAPEUTIC PURPOSES.

3 (vv) EXCEPT IN AN EMERGENCY OR URGENT CARE SITUATION, PRESCRIBING OR
4 DISPENSING A CONTROLLED SUBSTANCE TO A MEMBER OF THE NATUROPATHIC PHYSICIAN'S
5 IMMEDIATE FAMILY.

6 (ww) PRESCRIBING, DISPENSING OR FURNISHING A PRESCRIPTION MEDICATION
7 OR A PRESCRIPTION-ONLY DEVICE AS DEFINED IN SECTION 32-1901 TO A PERSON
8 UNLESS THE LICENSEE FIRST CONDUCTS A PHYSICAL EXAMINATION OF THAT PERSON OR
9 HAS PREVIOUSLY ESTABLISHED A DOCTOR-PATIENT RELATIONSHIP. THIS SUBDIVISION
10 DOES NOT APPLY TO:

11 (i) A LICENSEE WHO PROVIDES TEMPORARY PATIENT SUPERVISION ON BEHALF
12 OF THE PATIENT'S REGULAR TREATING LICENSED HEALTH CARE PROFESSIONAL.

13 (ii) AN EMERGENCY MEDICAL SITUATION AS DEFINED IN SECTION 41-1831.

14 (iii) PRESCRIPTIONS WRITTEN TO PREPARE A PATIENT FOR A MEDICAL
15 EXAMINATION.

16 (iv) PRESCRIPTIONS WRITTEN OR PRESCRIPTION MEDICATIONS ISSUED FOR USE
17 BY A COUNTY OR TRIBAL PUBLIC HEALTH DEPARTMENT FOR IMMUNIZATION PROGRAMS,
18 EMERGENCY TREATMENT, IN RESPONSE TO AN INFECTIOUS DISEASE INVESTIGATION, A
19 PUBLIC HEALTH EMERGENCY, AN INFECTIOUS DISEASE OUTBREAK OR AN ACT OF
20 BIOTERRORISM. FOR THE PURPOSES OF THIS ITEM, "BIOTERRORISM" HAS THE SAME
21 MEANING PRESCRIBED IN SECTION 36-781.

22 Sec. 2. Section 32-1504, Arizona Revised Statutes, is amended to read:

23 32-1504. Powers and duties

24 A. The board shall:

25 1. Adopt rules that are necessary or proper for the administration of
26 this chapter.

27 2. Administer and enforce all provisions of this chapter and all rules
28 adopted by the board under the authority granted by this chapter.

29 3. Adopt rules regarding the qualifications of medical assistants who
30 assist doctors of naturopathic medicine and shall determine the
31 qualifications of medical assistants who are not otherwise licensed
32 REGULATED.

33 4. Adopt rules for the approval of schools of naturopathic medicine.
34 The board may incorporate by reference the accrediting standards for
35 naturopathic medical schools published by accrediting agencies recognized by
36 the United States department of education or recognized by the council for
37 higher education accreditation.

38 5. Adopt rules relating to clinical, internship, preceptorship and
39 postdoctoral training programs, naturopathic graduate medical education and
40 naturopathic continuing medical education programs. The rules for
41 naturopathic continuing medical education programs shall require at least ten
42 hours each year directly related to pharmacotherapeutics.

43 6. Periodically inspect and evaluate ~~schools of naturopathic medicine,~~
44 clinical, internship, preceptorship and postdoctoral training programs and

1 naturopathic graduate medical education programs and randomly evaluate
2 naturopathic continuing medical education programs.

3 7. Adopt rules relating to the dispensing of natural substances, drugs
4 and devices.

5 8. Adopt and use a seal.

6 ~~9. Adopt rules for conducting licensing examinations required by this~~
7 ~~chapter.~~

8 ~~10.~~ 9. Have the full and free exchange of information with the
9 licensing and disciplinary boards of other states and countries and with the
10 American board of naturopathic medical specialties ASSOCIATION OF
11 NATUROPATHIC PHYSICIANS, the Arizona naturopathic medical association, the
12 association of naturopathic medical colleges, the federation of naturopathic
13 medical licensing boards and the naturopathic medical societies of other
14 states, districts and territories of the United States or other countries.

15 B. The board may:

16 1. Adopt rules that prescribe annual continuing medical education for
17 the renewal of licenses issued under this chapter.

18 2. Employ permanent or temporary personnel it deems necessary to carry
19 out the purposes of this chapter and designate their duties.

20 3. Adopt rules relating to naturopathic medical specialties and
21 determine the qualifications of doctors of naturopathic medicine who may
22 represent or hold themselves out as being specialists.

23 4. If reasonable cause exists to believe that ~~an applicant's~~ THE
24 competency OF AN APPLICANT OR A PERSON WHO IS REGULATED BY THE BOARD is in
25 question, require ~~an applicant for licensure~~ THAT PERSON to undergo any
26 combination of physical, mental, ~~blood~~ BIOLOGICAL FLUID and laboratory tests.

27 5. Be a dues paying member of national organizations that support
28 licensing agencies in their licensing and regulatory duties and pay the
29 travel expenses involved for a designated board member or the executive
30 director to represent the board at the annual meeting of these organizations.

31 6. ADOPT RULES FOR CONDUCTING LICENSING EXAMINATIONS REQUIRED BY THIS
32 CHAPTER.

33 7. DELEGATE TO THE EXECUTIVE DIRECTOR THE BOARD'S AUTHORITY PURSUANT
34 TO SECTIONS 32-1509 AND 32-1551.

35 Sec. 3. Repeal

36 Section 32-1506, Arizona Revised Statutes, is repealed.

37 Sec. 4. Section 32-1509, Arizona Revised Statutes, is amended to read:

38 32-1509. Executive director; compensation; duties

39 A. The board shall appoint an executive director who serves at the
40 pleasure of the board. The executive director shall not be a board member
41 and shall not have any financial interests in the practice of naturopathic
42 medicine or the training of naturopathic physicians. ~~However,~~ The board may
43 authorize the executive director to represent the board and to vote on behalf
44 of the board at meetings of national organizations of which the board is a
45 dues paying member.

1 B. The executive director is eligible to receive compensation set by
2 the board within the range determined under section 38-611.

3 C. The executive director or that person's designee shall:

4 1. Employ, evaluate, dismiss, discipline and direct professional,
5 clerical, technical, investigative and administrative personnel necessary to
6 carry on the work of the board.

7 2. Set compensation for board employees within the range determined
8 under section 38-611.

9 3. As directed by the board, prepare and submit recommendations to the
10 board for amendments to this chapter for consideration by the legislature.

11 4. Appoint and employ medical consultants and agents necessary to
12 conduct investigations, gather information and perform those duties the
13 executive director determines are necessary and appropriate to enforce this
14 chapter.

15 5. Issue licenses and certificates pursuant to section 32-1526 to
16 applicants who meet the requirements of this chapter.

17 6. Maintain a record of board actions and proceedings, including the
18 issuance, denial, renewal, suspension or revocation of licenses and
19 certificates.

20 7. Manage the board's offices.

21 8. Prepare minutes, records, reports, registries, directories, books
22 and newsletters and record all board transactions and orders.

23 9. Collect all monies due and payable to the board.

24 10. Pay all bills for authorized expenditures of the board and its
25 staff.

26 11. Prepare an annual budget.

27 12. Submit a copy of the budget each year to the governor, the speaker
28 of the house of representatives and the president of the senate.

29 13. Initiate an investigation if evidence appears to demonstrate that
30 a person licensed or certified by the board may be engaged in unprofessional
31 conduct or may be medically incompetent or mentally or physically unable to
32 safely practice medicine.

33 14. Issue subpoenas if necessary to compel the attendance and testimony
34 of witnesses and the production of books, records, documents and other
35 evidence.

36 15. Sign and execute and provide assistance to the attorney general in
37 preparing disciplinary orders, rehabilitative orders and notices of hearings
38 as directed by the board.

39 16. Enter into contracts for goods and services pursuant to title 41,
40 chapter 23 that are necessary to carry out board policies and directives.

41 17. Execute board directives.

42 18. Represent the board with the federal government, other states or
43 jurisdictions of the United States, this state, political subdivisions of
44 this state, the news media and the public.

1 ~~19. Annually compile and publish the directory pursuant to section~~
2 ~~32-1506.~~

3 ~~20.~~ 19. Maintain a roster of all persons who are licensed or certified
4 under this chapter that indicates:

5 (a) The person's name.

6 (b) The person's current address of record.

7 (c) The date of issuance and the number of the person's license or
8 certificate.

9 (d) The status of the person's license or certificate.

10 ~~21. Maintain a permanent record of the results of all examinations~~
11 ~~administered by the board.~~

12 ~~22.~~ 20. Maintain an accurate account of all receipts, expenditures and
13 refunds granted pursuant to this chapter.

14 ~~23.~~ 21. Conduct periodic inspection of the dispensing practices and
15 the prescribing practices of doctors of naturopathic medicine and report
16 dispensing and prescribing restrictions imposed by the board against doctors
17 of naturopathic medicine to other state and federal regulatory agencies.

18 ~~24.~~ 22. Affix the seal of the board to necessary documents. The
19 imprint of the seal with the signature of the executive director is evidence
20 of official board action.

21 23. ON BEHALF OF THE BOARD, ENTER INTO STIPULATED AGREEMENTS WITH
22 PERSONS WHO ARE UNDER THE JURISDICTION OF THE BOARD FOR THE TREATMENT,
23 REHABILITATION AND MONITORING OF CHEMICAL SUBSTANCE ABUSE OR MISUSE.

24 24. REVIEW ALL COMPLAINTS FILED PURSUANT TO SECTION 32-1551. IF
25 DELEGATED BY THE BOARD, THE EXECUTIVE DIRECTOR MAY DISMISS COMPLAINTS.

26 25. IF DELEGATED BY THE BOARD, REFER CASES DIRECTLY TO A FORMAL
27 INTERVIEW OR A FORMAL HEARING.

28 26. IF DELEGATED BY THE BOARD, ENTER INTO A CONSENT AGREEMENT IF THERE
29 IS EVIDENCE OF DANGER TO THE PUBLIC HEALTH AND SAFETY.

30 27. IF DELEGATED BY THE BOARD, GRANT UNCONTESTED REQUESTS FOR RETIRED
31 STATUS OR CANCELLATION OF A LICENSE.

32 ~~25.~~ 28. Perform all other duties required by the board.

33 D. Medical consultants and agents appointed pursuant to subsection C,
34 paragraph 4 of this section are eligible to receive compensation determined
35 by the executive director of not more than two hundred dollars for each day
36 of service.

37 E. A PERSON WHO IS AGGRIEVED BY AN ACTION TAKEN BY THE EXECUTIVE
38 DIRECTOR MAY REQUEST A BOARD REVIEW OF THAT ACTION BY FILING WITH THE BOARD
39 A WRITTEN REQUEST WITHIN THIRTY DAYS AFTER THAT PERSON HAS BEEN NOTIFIED OF
40 THE ACTION. NOTIFICATION SHALL BE BY PERSONAL DELIVERY OR CERTIFIED MAIL TO
41 THE PERSON'S LAST KNOWN ADDRESS ON FILE WITH THE BOARD. THE BOARD SHALL
42 REVIEW THE DECISION AT ITS NEXT REGULARLY SCHEDULED MEETING AND EITHER
43 APPROVE, MODIFY OR REJECT THE EXECUTIVE DIRECTOR'S ACTION.

1 Sec. 5. Section 32-1521, Arizona Revised Statutes, is amended to read:
2 32-1521. Persons and acts not affected by this chapter

3 This chapter does not apply to:

4 1. The lawful practice of any other method, system or science of
5 healing by a person licensed under the laws of this state.

6 2. Any student of naturopathic medicine in the course of taking an
7 approved clinical training program if the student complies with the
8 application requirements of this chapter and pays the required fees. This
9 exemption does not exempt the student from article 3 of this chapter.

10 3. Any out-of-state physician licensed by another state or country,
11 if in consultation requested by a doctor of naturopathic medicine.

12 4. A person who is not licensed or certified by the board and who
13 sells food articles to supplement the diet of a person or who sells a natural
14 substance that does not require a prescription.

15 5. A person who is a graduate of an approved school of naturopathic
16 medicine and has been awarded the degree of doctor of naturopathic medicine
17 and who, in the course of taking an approved internship training program, an
18 approved preceptorship training program or an approved postdoctoral training
19 program under the DIRECT supervision of a physician, complies with the
20 application requirements of this chapter for the training program and pays
21 the required fees. This exemption does not exempt that person from article
22 3 of this chapter.

23 Sec. 6. Section 32-1522.01, Arizona Revised Statutes, is amended to
24 read:

25 32-1522.01. Temporary licenses; duration of license

26 A. The executive director may issue a temporary license to any
27 applicant who is seeking licensure through endorsement, whose application is
28 complete ~~except for taking and passing the special purpose licensing~~
29 ~~examination required in section 32-1525, subsection C~~ and who has applied in
30 writing for a temporary license. The executive director may issue a
31 temporary license to an applicant only once.

32 B. A temporary license issued pursuant to this section is effective
33 from the date that the application is approved until the last day of the
34 month in which the scores of the special purpose licensing examination for
35 ~~which the applicant is eligible are received by the board~~ MEETS TO CONSIDER
36 THE APPLICATION FOR LICENSURE.

37 C. A temporary license shall not be extended, renewed, reissued or
38 allowed to continue in effect beyond the period authorized by this section.

39 Sec. 7. Section 32-1524, Arizona Revised Statutes, is amended to read:

40 32-1524. Application; deficiencies in application; interview;
41 withdrawal; release of information; temporary
42 certificate

43 A. Each applicant for licensure or certification shall file a verified
44 completed application in the form and style required and supplied by the
45 board accompanied by the appropriate application fee prescribed in section

1 32-1527. The filing of an application grants the board the authority to
2 obtain information from any licensing board or agency in any state, district,
3 territory or county of the United States or another country, from the Arizona
4 criminal justice information system in the department of public safety and
5 from the federal bureau of investigation. The fingerprints submitted shall
6 be used to obtain a state and federal criminal records check pursuant to
7 section 41-1750 and P.L. 92-544. The department of public safety is
8 authorized to exchange this fingerprint data with the federal bureau of
9 investigation.

10 B. The application shall require the applicant to submit evidence,
11 credentials and other proof necessary to satisfy the board that the applicant
12 meets the requirements of a completed application.

13 C. The application shall contain the oath of the applicant that:

14 1. All information contained in the application and evidence submitted
15 with it are true and correct.

16 2. The credentials submitted were not procured by fraud or
17 misrepresentation or any mistake of which the applicant is aware.

18 3. The applicant is the lawful holder of the credentials.

19 D. All applications submitted to the board and any attendant evidence,
20 credentials or other proof submitted with an application are the property of
21 the board and part of the permanent record of the board and shall not be
22 returned to a withdrawing applicant.

23 E. The board shall promptly inform an applicant, in writing, of the
24 deficiencies, if any, in the application which prevent it from being
25 considered by the board as a completed application.

26 ~~F. An applicant who disagrees with the statement of deficiencies and~~
27 ~~who believes the applicant has filed a completed application shall submit a~~
28 ~~request to the board within thirty days and on request shall be granted a~~
29 ~~hearing. The hearing shall not be held less than thirty days after the~~
30 ~~receipt of the request but shall be held at the first meeting of the board~~
31 ~~thereafter. At the hearing the burden of proof is on the applicant to show~~
32 ~~that the applicant has filed a completed application.~~

33 ~~G. F.~~ F. The board may interview the applicant to determine whether the
34 application is sufficient or whether the applicant otherwise qualifies for
35 licensure or for a certificate.

36 ~~H.~~ G. Applications are considered withdrawn on any of the following
37 conditions:

38 1. Request of the applicant.

39 2. Failure of the applicant to appear for an interview with the board
40 except for good cause being shown.

41 3. Failure to submit a completed application within one year from the
42 date of the mailing by the board of a statement to the applicant of the
43 deficiencies in his THE application under subsection E of this section.

44 ~~4. Failure to show, at the hearing provided for in subsection F of~~
45 ~~this section, that deficiencies do not exist.~~

1 ~~5.~~ 4. Failure to show, within one year from the interview provided
2 for in subsection ~~G~~ F of this section, that the completed application is
3 true and correct.

4 ~~f.~~ H. Applicants for a license or for a certificate to engage in a
5 clinical training program, a preceptorship training program or an internship
6 training program shall submit a fingerprint card in the manner required by
7 the board.

8 ~~g.~~ I. The executive director may issue a temporary certificate to
9 engage in a clinical training program to an applicant whose application is
10 complete except for the completion of a fingerprint check and criminal
11 background analysis. If the criminal background analysis shows the applicant
12 has not been convicted of any felony or any misdemeanor involving a crime of
13 moral turpitude, the executive director shall convert the temporary
14 certificate into a certificate to engage in a clinical training program
15 without any further action by the applicant. The board shall not charge a
16 fee for a temporary certificate.

17 Sec. 8. Section 32-1526, Arizona Revised Statutes, is amended to read:

18 32-1526. Licenses; certificates; issuance; renewal; failure to
19 renew

20 A. The board shall issue licenses and certificates to applicants who
21 are qualified under this chapter. The board shall only issue licenses under
22 this chapter on the vote of a majority of the full board. Subject to review
23 by the board at its next board meeting, the executive director may issue
24 temporary licenses pursuant to section 32-1522.01, LICENSE RENEWALS and
25 certificates to qualified applicants.

26 ~~B. A person licensed or certified by the board shall pay the issuance~~
27 ~~fee prescribed in section 32-1527.~~

28 B. A LICENSE OR CERTIFICATE ISSUED BY THE BOARD EXPIRES UNLESS RENEWED
29 EACH YEAR.

30 C. Each physician who holds an active license to practice naturopathic
31 medicine in this state shall renew the license on or before January 1 of each
32 year by supplying the executive director with information the board
33 determines is necessary and payment of the annual renewal fee prescribed in
34 section 32-1527.

35 ~~D. A physician who holds a certificate to dispense shall renew the~~
36 ~~certificate on or before July 1 of each year by supplying the executive~~
37 ~~director with information the board determines is necessary and by paying the~~
38 ~~annual renewal fee prescribed in section 32-1527.~~

39 ~~E. A person who holds a certificate as a medical assistant shall renew~~
40 ~~the certificate on or before July 1 of each year by supplying the executive~~
41 ~~director with information the board determines is necessary and by paying the~~
42 ~~annual renewal fee prescribed in section 32-1527.~~

43 ~~F. A person who holds a certificate to conduct an internship, a~~
44 ~~preceptorship or a clinical training program, a postdoctoral training program~~
45 ~~or a school of naturopathic medicine shall renew the certificate on or before~~

~~January 1 of each year by supplying the executive director with information the board determines is necessary and by paying the annual renewal fee prescribed in section 32-1527.~~

D. A PERSON WHO HOLDS A CERTIFICATE ISSUED BY THE BOARD OTHER THAN AS PROVIDED IN SUBSECTION F OF THIS SECTION SHALL RENEW THE CERTIFICATE ON OR BEFORE JULY 1 OF EACH YEAR BY SUPPLYING THE EXECUTIVE DIRECTOR WITH INFORMATION THE BOARD DETERMINES IS NECESSARY AND PAYMENT OF THE ANNUAL FEE PRESCRIBED IN SECTION 32-1527.

~~E. A licensee or certificate holder who is in good standing and whose license or certificate is current AND WHO IS NOT CURRENTLY THE SUBJECT OF A PROBATIONARY ORDER OR LICENSURE SUSPENSION BY THE BOARD may, at any time, request and shall be granted cancellation of the license or certificate.~~

H. F. A naturopathic medical student who holds a certificate to engage in a clinical training program shall renew the certificate for each year of the student's clinical training by supplying the executive director with information the board determines is necessary and paying the annual renewal fee prescribed in section 32-1527. The initial annual renewal date shall be one year after the board approved the application for the clinical training program.

~~I. A person who is a graduate of an approved school of naturopathic medicine and who holds a certificate to engage in an internship program or a preceptorship program shall renew the certificate for each year of the person's internship or preceptorship by supplying the executive director with information the board determines is necessary and paying the annual renewal fee prescribed in section 32-1527. The initial annual renewal date shall be one year after the board approved the application for the internship or the preceptorship.~~

~~J. G. A person licensed pursuant to this chapter before January 1, 2005 who elects to prescribe drugs shall complete and pass a board approved course and examination before January 1, 2005 as a condition of being able to prescribe drugs. Beginning on January 1, 2005, a person licensed pursuant to this chapter shall complete and pass a board approved course and examination as a condition of being licensed. Any course approved by the board shall consist of at least sixty contact hours of continuing medical education in pharmacotherapeutics and shall be developed with input concerning the content, depth, scope and method of teaching from allopathic, osteopathic, naturopathic and pharmacy schools located in this state. The board shall approve the pharmacotherapeutics examination, with input concerning the content, depth, scope and method of testing from allopathic, osteopathic, naturopathic and pharmacy schools located in this state.~~

~~K. H. A person who fails to renew a license or certificate within thirty days after BY the due date shall pay a late renewal fee as prescribed in section 32-1527. A person who fails to do so within sixty days after the due date without adequate cause acceptable to the board is subject to~~

1 ~~probation, suspension or revocation pursuant to section 32-1551. A LICENSE~~
2 ~~OR CERTIFICATE AUTOMATICALLY EXPIRES IF NOT RENEWED WITHIN SIXTY DAYS AFTER~~
3 ~~THE DUE DATE.~~

4 ~~L. The failure of a person to renew as prescribed by this section and~~
5 ~~to pay the renewal fee automatically suspends the rights and privileges~~
6 ~~granted under this chapter.~~

7 M. I. The board may reinstate a license or certificate on payment of
8 all renewal and penalty fees as prescribed in section 32-1527 and, if
9 requested by the board, presentation of evidence satisfactory to the board
10 that the ~~suspended person~~ APPLICANT FOR REINSTATEMENT OF AN EXPIRED LICENSE
11 is professionally able to engage or assist in the practice of naturopathic
12 medicine and still possesses the professional knowledge required. IF AN
13 APPLICANT FOR REINSTATEMENT OF AN EXPIRED LICENSE HAS NOT BEEN LICENSED AND
14 ACTIVELY PRACTICING IN A JURISDICTION OF THE UNITED STATES OR CANADA IN THE
15 THREE YEARS IMMEDIATELY PRECEDING THE APPLICATION, THE BOARD MAY ISSUE A
16 LIMITED LICENSE THAT REQUIRES A PERIOD OF GENERAL SUPERVISION BY ANOTHER
17 LICENSED NATUROPATHIC PHYSICIAN NOT TO EXCEED ONE YEAR.

18 N. J. After a hearing, the board may refuse to reinstate a license
19 or certificate for any grounds prescribed in section 32-1551.

20 K. THE BOARD AND THE EXECUTIVE DIRECTOR MAY PRORATE INITIAL ANNUAL
21 FEES WHEN A NEW APPLICATION IS APPROVED BY DIVIDING THE ANNUAL AMOUNT BY
22 TWELVE AND MULTIPLYING THE RESULTS BY THE NUMBER OF MONTHS REMAINING UNTIL
23 THE NEXT ANNUAL RENEWAL DATE.

24 Sec. 9. Section 32-1527, Arizona Revised Statutes, is amended to read:
25 32-1527. Fees

26 A. The board by a formal vote at an open public meeting shall
27 establish fees, except as provided in section 32-1530, that the board
28 determines are necessary to provide monies to conduct its business and which
29 do not exceed the following:

30 1. For application for a license to practice naturopathic medicine and
31 for certification to practice as a specialist, four hundred dollars.

32 2. For application for a certificate to dispense, four hundred
33 dollars.

34 3. For issuance of a duplicate license or certificate, one hundred
35 dollars.

36 4. For endorsement of an Arizona license or certificate for the
37 purpose of applying for a license, certificate or registration in another
38 state or country, fifty dollars.

39 5. For initial issuance of a license or a certificate, fifty dollars.

40 6. For any annual renewal of a license or a certificate, four hundred
41 dollars.

42 7. For any late renewal of a license or an additional certificate, a
43 fee of two hundred dollars.

1 8. For an initial application to conduct or engage in an internship,
2 a preceptorship, a clinical training program or a postdoctoral training
3 program, one hundred dollars.

4 9. For examination of applicants, the cost of giving the examination
5 to each applicant.

6 ~~10. For application to conduct a school of naturopathic medicine, one~~
7 ~~thousand dollars.~~

8 ~~11. For each periodic inspection required by the board of a school of~~
9 ~~naturopathic medicine, the cost incurred by the board for that inspection.~~

10 ~~12.~~ 10. For an initial application to be certified as a naturopathic
11 medical assistant, one hundred dollars.

12 ~~13.~~ 11. For application for examination without a licensure
13 application by a naturopathic medical student, one hundred dollars.

14 ~~14.~~ 12. For a copy of the minutes of board meetings during the
15 calendar year, twenty-five dollars for each set of minutes.

16 ~~15.~~ 13. For copying records, documents, letters, minutes, applications
17 and files, twenty-five cents per page.

18 ~~16.~~ 14. For a copy of tapes or computerized diskettes not requiring
19 programming, one hundred dollars.

20 ~~17.~~ 15. For written verification of a certificate or license, five
21 dollars.

22 ~~18.~~ 16. For submitting fingerprint cards to the department of public
23 safety, the cost required by that department.

24 B. The board may charge a fee for services it is not required to
25 provide pursuant to this chapter but which the board determines are
26 appropriate to carry out the intent and purpose of this chapter. A fee
27 imposed pursuant to this subsection shall not exceed the board's costs of
28 rendering the service.

29 ~~C. The secretary-treasurer may prorate annual renewal fees when a new~~
30 ~~applicant is approved by the board. The fees shall be prorated by dividing~~
31 ~~the annual amount by twelve and multiplying the results by the number of~~
32 ~~months remaining until the next annual renewal date.~~

33 Sec. 10. Section 32-1528, Arizona Revised Statutes, is amended to
34 read:

35 32-1528. Retired licensee; waiver of fees; reinstatement

36 A. The board may waive a physician's annual renewal fee if the
37 physician has paid all PAST fees and presents an affidavit to the board that
38 the physician has permanently retired from the practice of naturopathic
39 medicine.

40 B. A physician whose annual renewal fee has been waived by the board
41 and who is permanently retired from the practice of naturopathic medicine is
42 not required to comply with any continuing medical education requirements of
43 this chapter.

44 C. If a retired physician who has had the annual renewal fee waived
45 by the board engages in the practice of naturopathic medicine, the physician

1 is subject to the same penalties that are imposed under this chapter on a
2 person who practices naturopathic medicine without a license or without being
3 exempt from licensure.

4 D. The board may reinstate a retired physician to active practice on
5 payment of the annual renewal fee and presentation of evidence satisfactory
6 to the board that the physician meets the qualifications prescribed under
7 section 32-1522, subsection A, paragraphs 4, 5 and 6.

8 E. IF AN APPLICANT FOR REINSTATEMENT OF A RETIRED LICENSE HAS NOT BEEN
9 LICENSED AND ACTIVELY PRACTICING IN A JURISDICTION OF THE UNITED STATES OR
10 CANADA IN THE THREE YEARS IMMEDIATELY PRECEDING THE APPLICATION, THE BOARD
11 MAY ISSUE A LIMITED LICENSE THAT REQUIRES A PERIOD OF GENERAL SUPERVISION BY
12 ANOTHER LICENSED NATUROPATHIC PHYSICIAN NOT TO EXCEED ONE YEAR.

13 Sec. 11. Section 32-1530, Arizona Revised Statutes, is amended to
14 read:

15 32-1530. Exemptions from certificate to dispense fees

16 A. A physician who practices at a public health facility operated by
17 this state or a county or at a facility operated by a qualifying community
18 health center established pursuant to section 36-2907.06 and who is exempt
19 from paying registration fees pursuant to section 32-1921, subsection D for
20 a certificate to dispense pursuant to ~~section 32-1526~~ when ISSUED BY THE
21 BOARD IF involved in the dispensing of devices and medications shall annually
22 renew a certificate to dispense pursuant to section 32-1526 but is exempt
23 from the annual renewal fee to dispense under section 32-1527.

24 B. A physician who is employed by and dispenses devices and
25 medications at a facility that is operated by a not-for-profit corporation
26 and who does not profit from the items dispensed shall annually renew a
27 certificate to dispense pursuant to section 32-1526 but is exempt from the
28 annual renewal fee to dispense under section 32-1527.

29 Sec. 12. Repeal

30 Section 32-1551, Arizona Revised Statutes, is repealed.

31 Sec. 13. Title 32, chapter 14, article 3, Arizona Revised Statutes,
32 is amended by adding a new section 32-1551, to read:

33 32-1551. Disciplinary action; duty to report; investigatory
34 powers; immunity; hearing; appeal; notice

35 A. THE BOARD ON ITS OWN MOTION MAY INVESTIGATE ANY EVIDENCE THAT
36 APPEARS TO SHOW THAT A DOCTOR OF NATUROPATHIC MEDICINE IS OR MAY BE MEDICALLY
37 INCOMPETENT, IS OR MAY BE GUILTY OF UNPROFESSIONAL CONDUCT OR IS OR MAY BE
38 MENTALLY OR PHYSICALLY UNABLE TO ENGAGE SAFELY IN THE PRACTICE OF
39 NATUROPATHIC MEDICINE. ANY PERSON MAY, AND A DOCTOR OF NATUROPATHIC MEDICINE,
40 THE ARIZONA NATUROPATHIC MEDICAL ASSOCIATION, A COMPONENT SOCIETY OF THAT
41 ASSOCIATION AND ANY HEALTH CARE INSTITUTION SHALL, REPORT TO THE BOARD ANY
42 INFORMATION THAT APPEARS TO SHOW THAT A DOCTOR OF NATUROPATHIC MEDICINE IS
43 OR MAY BE MEDICALLY INCOMPETENT, IS OR MAY BE GUILTY OF UNPROFESSIONAL
44 CONDUCT OR IS OR MAY BE MENTALLY OR PHYSICALLY UNABLE TO ENGAGE SAFELY IN THE
45 PRACTICE OF NATUROPATHIC MEDICINE. THE BOARD OR THE EXECUTIVE DIRECTOR SHALL

1 NOTIFY THE DOCTOR AS TO THE CONTENT OF THE COMPLAINT AS SOON AS
2 REASONABLE. ANY PERSON OR ENTITY THAT REPORTS OR PROVIDES INFORMATION TO THE
3 BOARD IN GOOD FAITH IS NOT SUBJECT TO AN ACTION FOR CIVIL DAMAGES. IF
4 REQUESTED, THE BOARD SHALL NOT DISCLOSE THE NAME OF A PERSON WHO SUPPLIES
5 INFORMATION REGARDING A LICENSEE'S DRUG OR ALCOHOL IMPAIRMENT. IT IS AN ACT
6 OF UNPROFESSIONAL CONDUCT FOR ANY DOCTOR OF NATUROPATHIC MEDICINE TO FAIL TO
7 REPORT AS REQUIRED BY THIS SECTION. THE BOARD SHALL REPORT ANY HEALTH CARE
8 INSTITUTION THAT FAILS TO REPORT AS REQUIRED BY THIS SECTION TO THAT
9 INSTITUTION'S LICENSING AGENCY.

10 B. THE BOARD OR, IF DELEGATED BY THE BOARD, THE EXECUTIVE DIRECTOR
11 SHALL REQUIRE ANY COMBINATION OF MENTAL, PHYSICAL OR ORAL OR WRITTEN MEDICAL
12 COMPETENCY EXAMINATIONS AND CONDUCT NECESSARY INVESTIGATIONS INCLUDING
13 INVESTIGATIONAL INTERVIEWS BETWEEN REPRESENTATIVES OF THE BOARD AND THE
14 DOCTOR TO FULLY INFORM ITSELF WITH RESPECT TO ANY INFORMATION FILED WITH THE
15 BOARD UNDER THIS SECTION. THESE EXAMINATIONS MAY INCLUDE BIOLOGICAL FLUID
16 TESTING AND PSYCHOLOGICAL OR PSYCHIATRIC EVALUATION. THE BOARD OR, IF
17 DELEGATED BY THE BOARD, THE EXECUTIVE DIRECTOR MAY REQUIRE THE DOCTOR, AT THE
18 DOCTOR'S EXPENSE, TO UNDERGO ASSESSMENT BY A BOARD APPROVED REHABILITATIVE,
19 RETRAINING OR ASSESSMENT PROGRAM.

20 C. IF THE BOARD FINDS, BASED ON THE INFORMATION IT RECEIVES UNDER THIS
21 SECTION, THAT THE PUBLIC HEALTH, SAFETY OR WELFARE IMPERATIVELY REQUIRES
22 EMERGENCY ACTION, AND INCORPORATES A FINDING TO THAT EFFECT IN ITS ORDER, THE
23 BOARD MAY RESTRICT, LIMIT OR ORDER A SUMMARY SUSPENSION OF A LICENSE PENDING
24 PROCEEDINGS FOR REVOCATION OR OTHER ACTION. IF THE BOARD TAKES ACTION
25 PURSUANT TO THIS SUBSECTION IT SHALL ALSO SERVE THE LICENSEE WITH A WRITTEN
26 NOTICE THAT STATES THE CHARGES AND THAT THE LICENSEE IS ENTITLED TO A FORMAL
27 HEARING BEFORE THE BOARD OR AN ADMINISTRATIVE LAW JUDGE.

28 D. IF, AFTER COMPLETING ITS INVESTIGATION, THE BOARD FINDS THAT THE
29 INFORMATION PROVIDED PURSUANT TO SUBSECTION A OF THIS SECTION IS NOT OF
30 SUFFICIENT SERIOUSNESS TO MERIT DISCIPLINARY ACTION AGAINST THE LICENSE OF
31 THE DOCTOR, THE BOARD MAY TAKE EITHER OF THE FOLLOWING ACTIONS:

32 1. DISMISS IF, IN THE OPINION OF THE BOARD, THE INFORMATION IS WITHOUT
33 MERIT.

34 2. FILE A LETTER OF CONCERN.

35 E. IF THE BOARD FINDS THAT IT CAN TAKE REHABILITATIVE OR DISCIPLINARY
36 ACTION WITHOUT THE PRESENCE OF THE DOCTOR AT A FORMAL INTERVIEW, IT MAY ENTER
37 INTO A CONSENT AGREEMENT WITH THE DOCTOR TO LIMIT OR RESTRICT THE DOCTOR'S
38 PRACTICE OR TO REHABILITATE THE DOCTOR IN ORDER TO PROTECT THE PUBLIC AND
39 ENSURE THE DOCTOR'S ABILITY TO SAFELY ENGAGE IN THE PRACTICE OF NATUROPATHIC
40 MEDICINE. THE BOARD MAY ALSO REQUIRE THE DOCTOR TO SUCCESSFULLY COMPLETE A
41 BOARD APPROVED REHABILITATIVE, RETRAINING OR ASSESSMENT PROGRAM.

42 F. IF AFTER COMPLETING ITS INVESTIGATION THE BOARD BELIEVES THAT THE
43 INFORMATION IS OR MAY BE TRUE, IT MAY REQUEST A FORMAL INTERVIEW WITH THE
44 DOCTOR. IF THE DOCTOR REFUSES THE INVITATION OR ACCEPTS AND THE RESULTS
45 INDICATE THAT GROUNDS MAY EXIST FOR REVOCATION OR SUSPENSION OF THE DOCTOR'S

1 LICENSE FOR MORE THAN TWELVE MONTHS, THE BOARD MAY ISSUE A FORMAL COMPLAINT
2 AND ORDER THAT A HEARING BE HELD PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10.
3 IF AFTER COMPLETING A FORMAL INTERVIEW THE BOARD FINDS THE INFORMATION
4 PROVIDED UNDER THIS SECTION IS NOT OF SUFFICIENT SERIOUSNESS TO MERIT
5 SUSPENSION FOR MORE THAN TWELVE MONTHS OR REVOCATION OF THE LICENSE, IT MAY
6 TAKE THE FOLLOWING ACTIONS:

7 1. DISMISS IF, IN THE OPINION OF THE BOARD, THE COMPLAINT IS WITHOUT
8 MERIT.

9 2. FILE A LETTER OF CONCERN.

10 3. FILE A LETTER OF REPRIMAND.

11 4. ISSUE A DECREE OF CENSURE. A DECREE OF CENSURE IS AN OFFICIAL
12 ACTION AGAINST THE DOCTOR'S LICENSE AND MAY INCLUDE A REQUIREMENT FOR
13 RESTITUTION OF FEES TO A PATIENT RESULTING FROM VIOLATIONS OF THIS CHAPTER
14 OR RULES ADOPTED UNDER THIS CHAPTER.

15 5. FIX A PERIOD AND TERMS OF PROBATION BEST ADAPTED TO PROTECT THE
16 PUBLIC HEALTH AND SAFETY AND REHABILITATE OR EDUCATE THE DOCTOR CONCERNED.
17 PROBATION MAY INCLUDE TEMPORARY LICENSE SUSPENSION FOR NOT TO EXCEED TWELVE
18 MONTHS, RESTRICTION OF THE DOCTOR'S LICENSE TO PRACTICE NATUROPATHIC
19 MEDICINE, A REQUIREMENT FOR RESTITUTION OF FEES TO A PATIENT OR EDUCATION OR
20 REHABILITATION AT THE LICENSEE'S OWN EXPENSE. IF A LICENSEE FAILS TO COMPLY
21 WITH THE TERMS OF PROBATION, THE BOARD SHALL SERVE THE LICENSEE WITH A
22 WRITTEN NOTICE THAT STATES THAT THE LICENSEE IS SUBJECT TO A FORMAL HEARING
23 BASED ON THE INFORMATION CONSIDERED BY THE BOARD AT THE FORMAL INTERVIEW AND
24 ANY OTHER ACTS OR CONDUCT ALLEGED TO BE IN VIOLATION OF THIS CHAPTER OR RULES
25 ADOPTED BY THE BOARD PURSUANT TO THIS CHAPTER INCLUDING NONCOMPLIANCE WITH
26 THE TERMS OF PROBATION, A CONSENT AGREEMENT OR A STIPULATED AGREEMENT.

27 6. ENTER INTO AN AGREEMENT WITH THE DOCTOR TO RESTRICT OR LIMIT THE
28 DOCTOR'S PRACTICE OR MEDICAL ACTIVITIES IN ORDER TO REHABILITATE, RETRAIN OR
29 ASSESS THE DOCTOR, PROTECT THE PUBLIC AND ENSURE THE PHYSICIAN'S ABILITY TO
30 SAFELY ENGAGE IN THE PRACTICE OF NATUROPATHIC MEDICINE. THE BOARD MAY ALSO
31 REQUIRE THE DOCTOR TO SUCCESSFULLY COMPLETE A BOARD APPROVED REHABILITATIVE,
32 RETRAINING OR ASSESSMENT PROGRAM AT THE DOCTOR'S OWN EXPENSE PURSUANT TO
33 SUBSECTION E OF THIS SECTION.

34 G. IF THE BOARD FINDS THAT THE INFORMATION PROVIDED IN AN
35 INVESTIGATION WARRANTS SUSPENSION OR REVOCATION OF A LICENSE ISSUED UNDER
36 THIS CHAPTER, IT MUST INITIATE FORMAL PROCEEDINGS PURSUANT TO TITLE 41,
37 CHAPTER 6, ARTICLE 10.

38 H. ANY DOCTOR OF NATUROPATHIC MEDICINE WHO AFTER A FORMAL HEARING IS
39 FOUND BY THE BOARD TO BE GUILTY OF UNPROFESSIONAL CONDUCT, TO BE MENTALLY OR
40 PHYSICALLY UNABLE TO SAFELY ENGAGE IN THE PRACTICE OF NATUROPATHIC MEDICINE
41 OR TO BE MEDICALLY INCOMPETENT IS SUBJECT TO CENSURE, PROBATION AS PROVIDED
42 IN THIS SECTION, SUSPENSION OR REVOCATION OF A LICENSE OR ANY COMBINATION OF
43 THESE UNDER ANY CONDITIONS AS THE BOARD DEEMS APPROPRIATE FOR THE PROTECTION
44 OF THE PUBLIC HEALTH AND SAFETY AND JUST IN THE CIRCUMSTANCE. THE BOARD MAY

1 CHARGE THE COSTS OF FORMAL HEARINGS TO THE LICENSEE WHO IT FINDS TO BE IN
2 VIOLATION OF THIS CHAPTER.

3 I. IF THE NATUROPATHIC PHYSICIANS BOARD OF MEDICAL EXAMINERS ACTS TO
4 MODIFY ANY DOCTOR'S PRESCRIPTION WRITING PRIVILEGES, IT SHALL IMMEDIATELY
5 NOTIFY THE ARIZONA STATE BOARD OF PHARMACY OF THE MODIFICATION.

6 J. IF THE BOARD, DURING THE COURSE OF ANY INVESTIGATION, DETERMINES
7 THAT A CRIMINAL VIOLATION MAY HAVE OCCURRED INVOLVING THE DELIVERY OF HEALTH
8 CARE, IT SHALL MAKE THE EVIDENCE OF VIOLATIONS AVAILABLE TO THE APPROPRIATE
9 CRIMINAL JUSTICE AGENCY FOR ITS CONSIDERATION.

10 K. THE BOARD SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147,
11 ALL MONIES COLLECTED FROM CIVIL PENALTIES PAID PURSUANT TO THIS CHAPTER IN
12 THE STATE GENERAL FUND.

13 L. NOTICE OF A COMPLAINT AND HEARING IS EFFECTIVE BY A TRUE COPY OF
14 IT BEING SENT BY CERTIFIED MAIL TO THE DOCTOR'S LAST KNOWN ADDRESS OF RECORD
15 IN THE BOARD'S FILES. NOTICE OF THE COMPLAINT AND HEARING IS COMPLETE ON THE
16 DATE OF ITS DEPOSIT IN THE MAIL.

17 M. THE BOARD MAY ACCEPT THE SURRENDER OF AN ACTIVE LICENSE FROM A
18 PERSON WHO ADMITS IN WRITING TO ANY OF THE FOLLOWING:

19 1. BEING UNABLE TO SAFELY ENGAGE IN THE PRACTICE OF NATUROPATHIC
20 MEDICINE.

21 2. HAVING COMMITTED AN ACT OF UNPROFESSIONAL CONDUCT.

22 3. HAVING VIOLATED THIS CHAPTER OR A BOARD RULE.

23 N. THE BOARD MAY ADMINISTER THE OATH TO ALL WITNESSES AND SHALL KEEP
24 A WRITTEN TRANSCRIPT OF ALL ORAL TESTIMONY SUBMITTED AT THE HEARING AND THE
25 ORIGINAL OR A COPY OF ALL OTHER EVIDENCE SUBMITTED. THE BOARD MAY WAIVE THE
26 TECHNICAL RULES OF EVIDENCE AT ANY HEARING CONDUCTED UNDER THIS SECTION.

27 O. EXCEPT AS PROVIDED IN SECTION 41-1092.08, SUBSECTION H, AN APPEAL
28 TO THE SUPERIOR COURT IN MARICOPA COUNTY MAY BE TAKEN FROM DECISIONS OF THE
29 BOARD PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6.

30 Sec. 14. Title 32, chapter 14, article 3, Arizona Revised Statutes,
31 is amended by adding section 32-1551.01, to read:

32 32-1551.01. Right to examine and copy evidence; witnesses;
33 documents; testimony; representation

34 A. IN CONNECTION WITH THE INVESTIGATION BY THE BOARD ON ITS OWN
35 MOTION, OR AS THE RESULT OF INFORMATION RECEIVED PURSUANT TO SECTION 32-1551,
36 THE BOARD OR ITS DULY AUTHORIZED AGENTS OR EMPLOYEES AT ALL REASONABLE TIMES
37 MAY EXAMINE AND COPY ANY DOCUMENTS, REPORTS, RECORDS OR OTHER PHYSICAL
38 EVIDENCE OF THE PERSON IT IS INVESTIGATING OR THAT IS IN POSSESSION OF ANY
39 HOSPITAL, CLINIC, PHYSICIAN'S OFFICE, LABORATORY, PHARMACY, PUBLIC OR PRIVATE
40 AGENCY, HEALTH CARE INSTITUTION AS DEFINED IN SECTION 36-401 AND HEALTH CARE
41 PROVIDER AND THAT RELATES TO MEDICAL COMPETENCE, UNPROFESSIONAL CONDUCT OR
42 THE MENTAL OR PHYSICAL ABILITY OF A LICENSEE TO SAFELY PRACTICE NATUROPATHIC
43 MEDICINE.

44 B. FOR THE PURPOSE OF ALL INVESTIGATIONS AND PROCEEDINGS CONDUCTED BY
45 THE BOARD:

1 1. THE BOARD ON ITS OWN INITIATIVE OR ON APPLICATION OF ANY PERSON
2 INVOLVED IN THE INVESTIGATION MAY ISSUE SUBPOENAS TO REQUIRE THE ATTENDANCE
3 AND TESTIMONY OF WITNESSES OR TO DEMAND THE PRODUCTION FOR EXAMINATION OR
4 COPYING OF DOCUMENTS OR ANY OTHER PHYSICAL EVIDENCE THAT RELATES TO MEDICAL
5 COMPETENCE, UNPROFESSIONAL CONDUCT OR THE MENTAL OR PHYSICAL ABILITY OF A
6 LICENSEE TO SAFELY PRACTICE NATUROPATHIC MEDICINE. WITHIN FIVE DAYS AFTER
7 A PERSON IS SERVED WITH A SUBPOENA THAT PERSON MAY PETITION THE BOARD TO
8 REVOKE, LIMIT OR MODIFY THE SUBPOENA. THE BOARD SHALL DO SO IF IN ITS
9 OPINION THE EVIDENCE REQUIRED DOES NOT RELATE TO UNLAWFUL PRACTICES COVERED
10 BY THIS CHAPTER, IS NOT RELEVANT TO THE CHARGE THAT IS THE SUBJECT MATTER OF
11 THE HEARING OR INVESTIGATION OR DOES NOT DESCRIBE WITH SUFFICIENT
12 PARTICULARITY THE PHYSICAL EVIDENCE REQUIRED TO BE PRODUCED. ANY MEMBER OF
13 THE BOARD OR ANY AGENT DESIGNATED BY THE BOARD MAY ADMINISTER OATHS OR
14 AFFIRMATIONS, EXAMINE WITNESSES AND RECEIVE EVIDENCE.

15 2. ANY PERSON APPEARING BEFORE THE BOARD MAY BE REPRESENTED BY
16 COUNSEL.

17 3. ON APPLICATION BY THE BOARD OR BY THE PERSON SUBPOENAED, THE
18 SUPERIOR COURT MAY ISSUE AN ORDER TO EITHER:

19 (a) REQUIRE THE SUBPOENAED PERSON TO APPEAR BEFORE THE BOARD OR THE
20 DULY AUTHORIZED AGENT TO PRODUCE EVIDENCE RELATING TO THE MATTER UNDER
21 INVESTIGATION.

22 (b) REVOKE, LIMIT OR MODIFY THE SUBPOENA IF IN THE COURT'S OPINION THE
23 EVIDENCE DEMANDED DOES NOT RELATE TO UNLAWFUL PRACTICES COVERED BY THIS
24 CHAPTER, IS NOT RELEVANT TO THE CHARGE THAT IS THE SUBJECT MATTER OF THE
25 HEARING OR INVESTIGATION OR DOES NOT DESCRIBE WITH SUFFICIENT PARTICULARITY
26 THE EVIDENCE WHOSE PRODUCTION IS REQUIRED.

27 C. PATIENT RECORDS, INCLUDING CLINICAL RECORDS, MEDICAL REPORTS,
28 LABORATORY STATEMENTS AND REPORTS, ANY FILE, FILM, OTHER REPORT OR ORAL
29 STATEMENT RELATING TO DIAGNOSTIC FINDINGS OR TREATMENT OF PATIENTS, ANY
30 INFORMATION FROM WHICH A PATIENT OR THE PATIENT'S FAMILY MIGHT BE IDENTIFIED
31 AND ANY INFORMATION RECEIVED AND RECORDS OR REPORTS KEPT BY THE BOARD AS A
32 RESULT OF THE INVESTIGATION PROCEDURE OUTLINED IN THIS CHAPTER ARE NOT
33 AVAILABLE TO THE PUBLIC.

34 D. THIS SECTION AND ANY OTHER LAW MAKING COMMUNICATIONS BETWEEN A
35 PHYSICIAN AND A PHYSICIAN'S PATIENT PRIVILEGED DOES NOT APPLY TO
36 INVESTIGATIONS OR PROCEEDINGS CONDUCTED PURSUANT TO THIS CHAPTER. THE BOARD
37 AND ITS EMPLOYEES, AGENTS AND REPRESENTATIVES MUST KEEP IN CONFIDENCE THE
38 NAMES OF ANY PATIENTS WHOSE RECORDS ARE REVIEWED DURING THE COURSE OF
39 INVESTIGATIONS AND PROCEEDINGS PURSUANT TO THIS CHAPTER.

40 E. HOSPITAL RECORDS, MEDICAL STAFF RECORDS, MEDICAL STAFF REVIEW
41 COMMITTEE RECORDS AND TESTIMONY CONCERNING THESE RECORDS AND PROCEEDINGS
42 RELATED TO THE CREATION OF THESE RECORDS ARE NOT AVAILABLE TO THE PUBLIC,
43 MUST BE KEPT CONFIDENTIAL BY THE BOARD AND ARE SUBJECT TO THE SAME PROVISIONS
44 CONCERNING DISCOVERY AND USE IN LEGAL ACTIONS AS ARE THE ORIGINAL RECORDS IN
45 THE POSSESSION AND CONTROL OF HOSPITALS, THEIR MEDICAL STAFFS AND THEIR

1 MEDICAL STAFF REVIEW COMMITTEES. THE BOARD SHALL USE SUCH RECORDS AND
2 TESTIMONY DURING THE COURSE OF INVESTIGATIONS AND PROCEEDINGS PURSUANT TO
3 THIS CHAPTER.

4 F. THE COURT MAY FIND A PERSON WHO DOES NOT COMPLY WITH A SUBPOENA
5 ISSUED PURSUANT TO THIS SECTION IN CONTEMPT OF COURT.

6 Sec. 15. Section 32-1555, Arizona Revised Statutes, is amended to
7 read:

8 32-1555. Unlawful acts

9 It is unlawful for any person:

10 1. To practice, attempt to practice or claim to practice as a doctor
11 of naturopathic medicine or any branch of naturopathic medicine without
12 complying with this chapter.

13 2. Not licensed under this chapter to use the designation "doctor of
14 naturopathic medicine", or the abbreviation "N.M.D.", "doctor of
15 naturopathy", or the abbreviation "N.D.", or "naturopathic physician" or to
16 use any other words, initials, symbols or combination thereof which would
17 lead the public to believe that person is licensed to practice naturopathic
18 medicine.

19 3. To sell or fraudulently obtain or furnish any naturopathic degree
20 or diploma.

21 4. To operate a school, college or educational institution granting
22 a degree, diploma or certificate in the practice of naturopathic medicine
23 unless it has been approved by the board.

24 5. To represent that a school, college or educational institution
25 granting a degree, diploma or certificate in naturopathic medicine is
26 approved by the board if the school, college or educational institution has
27 not been approved by the board.

28 6. To secure or attempt to secure a license, certificate or
29 registration under this chapter by fraud or deceit.

30 7. To work as a naturopathic medical assistant except under the DIRECT
31 supervision of a doctor of naturopathic medicine licensed pursuant to this
32 chapter.

33 8. To use the title "medical assistant" or a related abbreviation
34 unless the person is working as a medical assistant under the DIRECT
35 supervision of a doctor of naturopathic medicine.

36 9. To conduct or engage in an internship, a preceptorship or a
37 clinical training program or a postdoctoral training program in naturopathic
38 medicine unless the internship, preceptorship, clinical training program or
39 postdoctoral training program is approved by the board.

40 10. To use the title "naturopathic student physician", "naturopathic
41 student intern" or "naturopathic student preceptee" or a related title or
42 abbreviation while engaged in an internship or a preceptorship unless the
43 person is approved and registered by the board for the internship or the
44 preceptorship program.

1 11. To use the title "naturopathic medical student" while engaged in
2 a clinical training program unless the person is approved and registered by
3 the board for the clinical training program.

4 Sec. 16. Section 32-1556, Arizona Revised Statutes, is amended to
5 read:

6 32-1556. Prosecution for violations

7 The county attorney of each county ~~or the attorney general~~ shall
8 prosecute all persons charged with violating section 32-1555, but the board
9 may retain its own attorney or investigators to aid in prosecuting a
10 violator. If the board obtains investigators or legal assistance to
11 prosecute or aid in the prosecution for a violation of this chapter, payment
12 for these services shall be made from the naturopathic physicians board of
13 medical examiners fund.

14 Sec. 17. Section 32-1557, Arizona Revised Statutes, is amended to
15 read:

16 32-1557. Violation; classification

17 A. A person who violates ~~any provision of~~ section 32-1555, PARAGRAPH
18 1, 2, 3, 4, 5 OR 6 is guilty of a class 5 felony.

19 B. A PERSON WHO VIOLATES SECTION 32-1555, PARAGRAPH 7, 8, 9, 10 OR 11
20 IS GUILTY OF A CLASS 6 FELONY.

21 Sec. 18. Section 32-1559, Arizona Revised Statutes, is amended to
22 read:

23 32-1559. Naturopathic medical assistants; certification;
24 supervision; duties; use of title

25 A. A person who wishes to be certified as a naturopathic medical
26 assistant shall submit an application as prescribed in section 32-1524.

27 B. A certified naturopathic medical assistant may assist a doctor of
28 naturopathic medicine who is licensed under this chapter.

29 C. The board by rule may prescribe naturopathic medical treatment
30 procedures that a naturopathic medical assistant certified under this section
31 may perform under the DIRECT supervision of a doctor of naturopathic medicine
32 who is licensed under this chapter if the board determines that these
33 procedures:

34 1. May be competently performed by the assistant.

35 2. Do not exceed the procedures ~~for which~~ THAT the supervising doctor
36 of naturopathic medicine has been licensed by this state to perform.

37 D. A naturopathic medical assistant may do clerical tasks without
38 DIRECT supervision if the tasks do not involve the treatment of a person's
39 condition or other procedures that are prohibited under this chapter.

40 E. A person shall not use the title "medical assistant" or a related
41 abbreviation unless that person is working as a naturopathic medical
42 assistant pursuant to this section.

1 Sec. 19. Section 32-1560, Arizona Revised Statutes, is amended to
2 read:

3 32-1560. Clinical training program; certificate; duties; use of
4 title

5 A. A naturopathic medical student who wishes to engage in a clinical
6 training program in naturopathic medicine shall submit an application for a
7 certificate as prescribed in section 32-1524.

8 B. A naturopathic medical student issued a certificate by the board
9 to engage in an approved clinical training program shall be under the DIRECT
10 supervision of a physician licensed under this chapter or by a physician
11 licensed pursuant to chapter 13, 17 or 29 of this title WHEN THE STUDENT IS
12 ENGAGED IN CLINICAL TRAINING.

13 C. The board by rule may prescribe naturopathic medical treatment
14 procedures that naturopathic medical students may perform under the DIRECT
15 supervision of a physician licensed under this chapter if the board
16 determines that these procedures:

17 1. May be competently performed by the student.

18 2. Do not exceed the procedures that the supervising physician has
19 been licensed by this state to perform.

20 D. A naturopathic medical student may do clerical tasks without DIRECT
21 supervision if the tasks do not involve diagnosing or treating a patient's
22 condition.

23 E. A person shall not use the title "naturopathic medical student" or
24 a related title or abbreviation while engaged in a clinical training program
25 unless that person holds a certificate issued by the board to engage in that
26 clinical training program.

27 F. If a student of naturopathic medicine ceases to be enrolled in an
28 approved school of naturopathic medicine, ~~or if the student's supervising~~
29 ~~physician withdraws from supervision of the naturopathic medical student,~~ the
30 certificate to engage in clinical training held by that student shall be IS
31 automatically suspended CANCELED.

32 Sec. 20. Section 32-1561, Arizona Revised Statutes, is amended to
33 read:

34 32-1561. Internship, clinical fellowship and preceptorship
35 programs; duties

36 A. A person who is a graduate of an approved school of naturopathic
37 medicine with a degree of doctor of naturopathic medicine and who wishes to
38 engage in an internship program, A CLINICAL FELLOWSHIP or a preceptorship
39 program shall submit an application for certification as prescribed in
40 section 32-1524.

41 ~~B. A person who is a graduate of an approved school of naturopathic~~
42 ~~medicine with a degree of naturopathic medicine~~ IF THE APPLICATION SUBMITTED
43 PURSUANT TO SUBSECTION A OF THIS SECTION IS APPROVED BY THE BOARD, THAT
44 PERSON may engage in an A BOARD approved internship program, CLINICAL
45 FELLOWSHIP or an approved preceptorship program under the DIRECT supervision

1 of a physician licensed under this chapter or by a physician licensed
2 pursuant to chapter 13, 17 or 29 of this title.

3 C. The board by rule may prescribe naturopathic medical treatment
4 procedures that a person who is ~~a graduate of an approved school of~~
5 ~~naturopathic medicine~~ CERTIFIED UNDER THIS SECTION may perform under the
6 DIRECT supervision of a physician licensed under this chapter if the board
7 determines that these procedures:

8 1. May be competently performed by the graduate.

9 2. Do not exceed the procedures that the supervising physician has
10 been licensed by this state to perform.

11 D. A person who is ~~a graduate of an approved school of naturopathic~~
12 ~~medicine~~ CERTIFIED UNDER THIS SECTION may do clerical tasks without DIRECT
13 supervision if the tasks do not involve diagnosing or treating a patient's
14 condition.

15 ~~E. A person shall not use the title "naturopathic student physician",~~
16 ~~"naturopathic student intern" or "naturopathic student preceptee" or a~~
17 ~~related title or abbreviation while engaged in an internship program or a~~
18 ~~preceptorship program unless that person is certified by the board to engage~~
19 ~~in the internship or the preceptorship program.~~

20 ~~F. E. If the supervising physician of a graduate student PERSON WHO~~
21 ~~IS CERTIFIED UNDER THIS SECTION withdraws from DIRECT supervision of the~~
22 ~~student, the certificate to engage in the internship or the preceptorship~~
23 ~~training program held by that student shall be PERSON IS automatically~~
24 ~~suspended CANCELED.~~

25 Sec. 21. Section 32-1581, Arizona Revised Statutes, is amended to
26 read:

27 32-1581. Dispensing of natural substances, drugs and devices;
28 conditions; definition

29 A. A doctor of naturopathic medicine may dispense a natural substance,
30 DRUG or a device to a patient for a condition being diagnosed or treated by
31 the doctor if:

32 1. The doctor is certified to dispense by the board and the
33 certificate has not been suspended or revoked by the board.

34 2. The natural substance, DRUG OR DEVICE is dispensed and properly
35 labeled with the following dispenser information:

36 (a) The dispensing doctor's name, address, AND telephone number and
37 ~~license number issued by the board~~ A PRESCRIPTION NUMBER OR OTHER METHOD OF
38 IDENTIFYING THE PRESCRIPTION.

39 (b) The date the natural substance, DRUG OR DEVICE is dispensed.

40 (c) The patient's name.

41 (d) The name and strength of the natural substance, DRUG OR DEVICE,
42 directions for proper and appropriate use and any cautionary statements for
43 the natural substance, DRUG or the device. IF A GENERIC DRUG IS DISPENSED
44 THE MANUFACTURER'S NAME MUST BE INCLUDED.

1 3. The dispensing doctor enters into the patient's medical record the
2 name and strength of the natural substance, DRUG or the device dispensed, the
3 date the natural substance, DRUG or the device is dispensed and the
4 therapeutic reason.

5 4. The dispensing doctor keeps all natural PRESCRIPTION ONLY DRUGS,
6 CONTROLLED substances and PRESCRIPTION ONLY devices in a secured cabinet or
7 room, controls access to the cabinet or room by a written procedure and
8 maintains an ongoing inventory of its contents.

9 B. EXCEPT IN AN EMERGENCY, a doctor of naturopathic medicine who
10 dispenses a natural substance, DRUG or a device without being certified to
11 dispense by the board is subject to a civil penalty by the board of not less
12 than three hundred dollars and not more than one thousand dollars for each
13 transaction and may be prohibited from further dispensing for a period of
14 time as determined by the board.

15 C. Before dispensing a natural substance, DRUG or device pursuant to
16 this section, the treating doctor shall give his THE patient or the patient's
17 legal guardian a written PRESCRIPTION AND MUST INFORM THE PATIENT OR THE
18 PATIENT'S LEGAL GUARDIAN THAT THE PRESCRIPTION MAY BE FILLED BY THE
19 PRESCRIBING DOCTOR OR THE PHARMACY OF THE PATIENT'S CHOICE. IF THE PATIENT
20 CHOOSES TO HAVE THE MEDICATION DISPENSED BY THE DOCTOR, THE DOCTOR MUST
21 RETRIEVE THE WRITTEN PRESCRIPTION AND PLACE IT IN A PRESCRIPTION FILE KEPT
22 BY THE DOCTOR. ~~statement on which appears the following statement in bold~~
23 ~~type:~~

24 ~~"This prescription may be filled by your doctor of naturopathic~~
25 ~~medicine or by a pharmacy of your choice."~~

26 D. A doctor of naturopathic medicine shall provide direct supervision
27 of a nurse or attendant involved in the dispensing process. In this
28 subsection, "direct supervision" means that a doctor of naturopathic medicine
29 is present and makes the determination as to the necessary use or the
30 advisability of the natural substance, DRUG or device to be dispensed.

31 E. This section shall be enforced by the board. The board shall adopt
32 rules regarding the dispensing of a natural substance, DRUG or a device
33 including the labeling, record keeping, storage and packaging of natural
34 substances that are consistent with the requirements of chapter 18 of this
35 title. The board may conduct periodic inspections of dispensing practices
36 to assure compliance with this section and applicable rules.

37 ~~G.~~ F. ~~Nothing in~~ This section shall DOES NOT prevent a licensed
38 practical or professional nurse employed by a physician DOCTOR of
39 naturopathic medicine from assisting in the delivery of natural substances,
40 DRUGS and devices in accordance with the provisions of this chapter.

41 ~~F.~~ G. For the purposes of this section:

42 1. "Device" means an appliance, apparatus or instrument administered
43 or dispensed to a patient by a doctor of naturopathic medicine.

44 2. "Dispense" means the delivery by a doctor of naturopathic medicine
45 of a natural substance, DRUG or a device to a patient and only for a

1 condition being diagnosed or treated by that doctor, except for free samples
2 packaged for individual use by licensed manufacturers or repackagers, and
3 includes the prescribing, administering, packaging, labeling and security
4 necessary to prepare and safeguard the natural substance, DRUG or the device
5 for delivery to the treating doctor's own patient.

6 3. "NATURAL SUBSTANCE" MEANS A HOMEOPATHIC, BOTANICAL OR NUTRITIONAL
7 SUPPLEMENT THAT DOES NOT REQUIRE A PRESCRIPTION BY FEDERAL LAW BEFORE IT IS
8 DISPENSED, BUT IS PRESCRIBED TO TREAT A MEDICAL CONDITION DIAGNOSED BY THE
9 DOCTOR.

APPROVED BY THE GOVERNOR APRIL 28, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2003.

Passed the House April 7, 20 03,

by the following vote: 44 Ayes,

15 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate February 13, 20 03,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Ken Blumenthal
President of the Senate

Charmian Bellenton
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1084

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 22, 2003

by the following vote: 27 Ayes,

2 Nays, 1 Not Voting

Klu Blumett
President of the Senate
Chaimin Bellinger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

22 day of April, 2003

at 3:27 o'clock P M.

Sandra Chavez
Secretary to the Governor

Approved this 28 day of

April, 2003,

at 3³⁰ o'clock P M.

J. A. Nagle
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28 day of April, 2003,

at 4:51 o'clock P M.

Janice L. Brewer
Secretary of State

S.B. 1084